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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,373	01/15/2002	Gurtej S. Sandhu	MI22-1896	7531

21567 7590 03/31/2003

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SPOKANE, WA 99201-3828

[REDACTED] EXAMINER

SCHILLINGER, LAURA M

ART UNIT	PAPER NUMBER
2813	

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/050,373	SANDHU ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Laura M Schillinger	2813

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 December 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 11-19, 48 and 49 is/are pending in the application.
- 4a) Of the above claim(s) 48 and 49 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 11-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                           | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9 . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

Newly submitted claims 48 and directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

This application contains claims directed to the following patentably distinct species of the claimed invention:

Elected Species 1, claims 11-19, pertains to an RTA at a temperature of less than 1000 degrees C

Species 2, claim 48, pertains to any thermal anneal at a temperature of about 700 degrees; Species 3, claim 49 pertains to a thermal processing of about 1050 degrees.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 48-49 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in–  
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in

section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 11-16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Misium et al ('492).

In reference to claim 11, Misium teaches a method comprising:

Providing the silicon-oxide containing layer over a substrate; the layer having an upper surface above the substrate and a lower surface on the substrate (Fig.2A (12))

Exposing the layer to activated N species from a N-containing plasma to introduce N into the layer and form a N-enriched region, the N enriched region being only in an upper half of the SiO containing layer (Fig.2B (22)); and

Thermally annealing the N within the N-enriched region to bond at least some of the N to Si proximate the N(Col.4, lines: 55-50);

The N-enriched region remaining confined to the upper half of the SiO containing layer during the annealing; the thermal annealing comprising rapid thermal processing at a ramp rate of at least 50 degrees C/sec to a process temperature of less than 1000 degrees C with the process temperature being maintained for at least about 30 seconds (Col.4, lines: 50-55).

In reference to claim 12, Misium teaches wherein the N-enriched region is formed only in the upper third of the SiO layer by the exposing (Fig.2B (12 and 22)).

In reference to claim 13, Misium teaches wherein the N-enriched region is formed only in the upper third of the SiO layer by the exposing and remains confined to the upper third of the SiO containing layer during the annealing (Fig.2B (12 and 22)).

In reference to claim 14, Misium teaches wherein the N-enriched region is formed only in the upper fourth of the SiO layer by exposing and remains confined to the upper fourth of the SiO containing layer during the annealing (Fig.2B (12 and 22)).

In reference to claim 15, Misium teaches wherein the N-enriched region is formed only in the upper fifth of the SiO layer by the exposing and remains confined to the upper fifth of the SiO containing layer during the annealing (Fig.2B (12 and 22)).

In reference to claim 16, Misium teaches wherein the layer is maintained at a temperature of less than 400 degrees C during the exposing (Col.2, lines: 45-50).

In reference to claim 17, Misium teaches wherein the plasma is maintained with a power of from about 500 watts to about 5000 watts during the exposing (Col.2, lines: 60-68).

Art Unit: 2813

In reference to claim 18, Misium teaches herein the exposing occurs within a reactor, and wherein a pressure within the reactor is from about 5 mTorr to about 10 mTorr during the exposing (Col.2, lines: 55-60).

In reference to claim 19, Misium teaches wherein the exposing occurs for a time of less than or equal to about 1 minute (Col.2, lines: 60-65).

***Response to Arguments***

Applicant's arguments with respect to claims 11-19 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2813

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M Schillinger whose telephone number is (703) 308-6425. The examiner can normally be reached on M-T, R-F 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl W Whitehead, Jr. can be reached on (703) 308-4940. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

LMS  
March 23, 2003

  
CARL WHITEHEAD, JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800